

**FILLMORE COUNTY ELECTRONIC COURTROOM
INTRODUCTION and USER GUIDE**



Fig. 1 - View from entrance to courtroom. The door to the right is direct juror access from the jury room.

**FILLMORE COUNTY DISTRICT COURTROOM
FILLMORE COUNTY COURTHOUSE
PRESTON, MINNESOTA 55965**

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INTRODUCTION AND USER GUIDE©

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This user guide is also available on-line at www.co.fillmore.mn.us or through a link at www.courts.state.mn.us/districts/third

INTRODUCTION

Why go electronic?

Electronic courtrooms, or e-courtrooms, are **efficient**. Consistent use of the electronic components available in an e-courtroom can reduce trial time 15-25 percent, depending on the number of exhibits.

Electronic courtrooms are more **economic** for the parties and the court system. Counsel no longer have to prepare large, blown-up photographs or charts; there is less jury time, attorney time, court time, and time spent by the litigants. A day saved from trial is a day available for other work.

An e-courtroom using ITV (interactive television) dramatically reduces the travel time spent by law enforcement and legal staff who need to appear before a judge in another county when there is no judge available in their home county. This is particularly beneficial and time-saving in one-judge counties.

Electronic courtrooms are **effective**. Everyone in the courtroom can simultaneously view an exhibit each and every time it is shown to the witness. Evidence that is both seen and heard will be remembered the longest. The publication of exhibits is done simultaneously amongst all jurors, thus improving the counsel's line of questioning. No longer does the 12th juror have to remember what point was being made with this 3-by-5 photo ten minutes after counsel asked to have it published to the jury. The Court's ability to rule on motions and objections is enhanced because the Court will have seen each exhibit in a jury trial. This is helpful when deciding motions in limine or Spriegl motions where the strength of a party's case has to be determined as a component of the decision. Real Time Transcription permits a judge to know exactly what an attorney or witness said. Even a statement made weeks before can be found within seconds. Absolute accuracy becomes commonplace.

Hearing-impaired jurors, litigants, and attorneys are able to participate fully in the courtroom through headphones that are electronically enhanced and through the vastly improved sound system. Real-time is available for participants whose hearing cannot be enhanced electronically.

A BRIEF OVERVIEW

During the recent remodeling of our courthouse, which was built in 1957, the Fillmore County Board of Commissioners recognized the need to modify the courtroom and to provide more efficient and effective office space for court personnel. Court related offices now surround the main courtroom. Included are offices for all court staff, for a visiting judge and staff, the jury room, a separate

hearing room, a detention space for prisoners, conference rooms for attorneys and their clients, and the county attorney offices. This placement enhances security and efficiency for both the court system and other county offices.

The size of the main courtroom could not be altered. However, by rotating the courtroom 180°, better lines of sight and security were achieved. This also provided a direct and more secure access to the jury room for jurors and enhanced overall security when law enforcement has prisoners in custody.

The interior of the old courtroom was totally stripped. This complete remodeling enabled the County Board to consider and approve an electronic courtroom. The County Board noted that the increased efficiency available through an electronic courtroom would benefit the residents of Fillmore County and this could be accomplished for the least cost during remodeling.

To enhance aural communication the ceiling was lowered five feet, except in the courtroom well in front of the bench, and was made of sound-absorbent material. The unique original interior brick walls were preserved. Sound absorbing panels were utilized on these interior brick walls to minimize echo. Aural communication is further improved by the electronic sound system. Visual communication is enhanced by 12 flat screen monitors. Inputs to the system include the document camera, VCR, CD-DVD, ITV, telephone, and audio inputs at counsel tables.



Fig. 2 - The rack is located in a closet behind the courtroom, accessible only to Court and staff.

An electronic courtroom requires multiple electronic components installed in what is commonly referred to as the "rack." The rack is the heart of the electronic courtroom. This controls the inputs into the system from videotapes, CD's, DVD's, audio tapes, the document camera, the telephone system, and ITV, and permits the control of the sound system and video display. It is analogous to the back of your home stereo system only more complicated.

The rack is in a temperature controlled, vented closet. There is little, if any, need for court personnel to be involved with this piece of equipment.



Fig. 3. TV monitor in Court Administration office.

Closed-circuit television has also been provided to court administration to permit staff to monitor when the judge is ready for the next case. Closed circuit television monitors also provide enhanced security. The media room is also placed just outside the courtroom area, which can receive both visual and aural communication from the courtroom.

There is a total of seventeen microphones in the courtroom, including seven on the jury box, one on the railing behind counsel tables for audience members (victims, probation officers, law enforcement, etc., who are part of the record), two at each counsel table, one at the bench for bench conferences, one on the bench for the judge, one for the witness, and one for the court administration staff. In addition, a wireless FM microphone is located at the bench with a receiver and headphones located at counsel table to permit a criminal defendant to hear bench conferences.

All microphones, except those on the jury box and the rail behind counsel, can be muted by the person sitting in front of the microphone by pressing the mute button. The mute button of the microphone must be held down to continue muting. All of the microphones can be muted, individually or en masse, by the judge.

Infrared hearing devices are available for the hearing impaired. These headphones are individually adjustable for volume and tone. Real Time Transcription is also available from the court reporter to specific monitors as approved by the judge. Arrangements for Real Time Transcription must be made in advance with the court reporter and the court.

Aural communication has been dramatically improved by the electronic sound system. There are a total of eleven speakers in the ceiling throughout the courtroom, which are zoned into four separate banks: one bank above the jury; one bank above the judge, court staff and witness; one bank above the attorneys; and one bank above the audience. The sound system is designed so that when the microphones in any zone are directly activated, the speakers in that zone automatically and instantaneously shut off. This eliminates feedback and echo, providing clean and consistent sound throughout the entire system. Additionally, sound absorbing panels were utilized on the interior brick walls to minimize echo.

Visual communication has also been enhanced. There are twelve 15-inch flat screen monitors and two 42-inch plasma monitors located in the courtroom. These monitors may be activated individually by the judge for the display of evidence, Real Time Transcription, or ITV. For the purpose of evidence display, the monitors are grouped into six different zones: the jury box; both attorney tables; the witness box; the court clerk and law clerk's station; the court reporter; and the audience. The judge's monitor is always activated so that any video source is displayed.

Fillmore County has a new hearing room available also, which has an enhanced sound system and a less sophisticated ITV system. It will have an electronic recording device. It can be used for magistrate hearings, but is incompatible with jury trials.

The Court Administrator's office will include with the scheduling order a brief guide to parties using the e-courtroom. However, it is recommended that attorneys visit the courtroom prior to trial to acquaint themselves with the equipment. Proper use of the equipment will provide an attorney a distinct advantage over opposing counsel if the opposing counsel does not know how to effectively use the electronic equipment to enhance evidence presentation. Good trial technique would require familiarization.

A portable walk through metal detector has also been installed near the public entrance to the courtroom. This metal detector is operated by the Fillmore County Sheriff's Department on a random basis, or when requested by the judge. When metal is detected, the location of the metal on the person's body is displayed by the unit.

INDIVIDUAL COMPONENTS

Judge's Bench:

The judge is primarily responsible for operating the courtroom system through his/her control touch panel. This touch panel controls microphone volume, white noise, all video and audio input into the system and the monitors used to display evidence throughout the courtroom. From the control panel, the judge also has control of the ITV system and the telephone system. Telephone calls and ITV connections can be initiated from the judge's control panel. Audio from both the telephone and ITV systems goes into the courtroom system itself, so that all speakers carry the audio; similarly, input into any microphone enters the sound system and is carried through the system to the person/persons on the other side of the phone or ITV connection. Difficulty in hearing someone on the phone or from an ITV transmission is a very remote possibility. This is equally true for the person(s) at the remote phone or ITV location. Judges should be highly trained on the control panel because he or she will also be the troubleshooter if things are not operating as anticipated.



Fig. 4: The control panel for the e-courtroom, which sits on the bench. In addition to controlling the monitors and microphones in the courtroom, the Court also activates ITV through this panel.



Fig. 5: View of Judge's bench-top. To the right is the control panel for the e-courtroom and to the left is the bench computer's screen. The Court has the ability to toggle among e-mail, Premise for the law, and Real Time Transcription.

The Judge has a separate computer at the bench, which captures annotations made on exhibits and saves them as court exhibits. On this bench computer, the judge follows the trial through Real Time Transcription provided by the court reporter. CaseView® software permits the judge to highlight argument or testimony, search and make notes as the case is progressing, and save all this material to a floppy disk for use by the law clerk or judge.

Jury instructions are also e-mailed to this computer by the law clerk. Time is saved and accuracy is enhanced in finalizing instructions with attorneys by displaying the instructions on both counsel monitors and the judge's and law clerk's monitors. The instructions, as well as any agreed-upon amendments or changes, are immediately displayed to the attorneys as well as to the judge and court staff. Corrections are made while the attorneys watch, and their final approval of the instructions are immediately placed on the record. The judge can then roll the instructions on the flat screen monitor while instructing the jury. The computer screen placement makes it easier for the judge to make eye contact with the jury while reading the jury instructions.

This procedure eliminates the old time-consuming method of printing and reviewing jury instructions with the attorneys. The bench computer also provides

the judge access to case law and statutes, silent communication with the court clerk and the law clerk, and word processing.

Bench Conferences:

When a request for a bench conference is granted, the Court will, through the control panel, flood the room with white noise. A button microphone is located at the front of the bench so that counsel, speaking at normal, but subdued conversational levels, are able to create a record. This microphone is hardwired only to the electronic recorder and the earphones located at the court reporter's station. This speeds up bench conferences and permits the court reporter to remain at his/her work-station and capture the record. The court reporter no longer has to break down and reassemble his or her writer at the bench, or in the alternative, station a second writer at the bench.

Introducing white noise during bench conferences also reduces the number of times a jury needs to be excused from the courtroom and sent to the jury room. It also eliminates the risk of damage to computerized steno equipment and eliminates crowding in front of the bench. Crowding counsel, the reporter and equipment, and possibly even the defendant, in a small space at the Bench has frequently made it difficult for everyone to hear everything that is said.



Fig. 6. close-up photo of button microphone on the bench for bench conferences.

Bench conferences during criminal trials pose a unique situation. A defendant must be included in bench conferences if the defendant is to have full and meaningful participation in the trial. However, for security purposes it is frequently inappropriate to permit a defendant free movement throughout the courtroom. In addition, there may be insufficient room in front of the bench for persons other than counsel. To solve this problem, an additional wireless FM microphone is located at the bench. Bench conferences are then transmitted to the defendant's counsel table, where the defendant can listen through separate earphones to everything said at the bench conference.

Care must be taken to familiarize the defendant with this apparatus and to verify that he or she can indeed hear the bench conference. This means that the judge must remember to turn the microphone on and the defendant must remember, at the conclusion of the bench conference, to turn off the device in order to save the battery. The record should reflect that the defendant was permitted to listen to the bench conference.

Court Reporter:

The court reporter can provide Real Time Transcription for the court, counsel, jury, and audience from his/her workstation. The court reporter's workstation has computer connections which permit input directly into the network system. Real Time Transcription can thus be transmitted directly to the pop-up computer connections located at counsel tables.



Fig.7: Court Reporter workstation showing Real Time Transcription screen.

A system monitor in front of the court reporter station, shown in Fig. 7 slightly behind the Real Time Transcription screen, allows the reporter to follow the exhibits as they are published and also permits the court reporter to view ITV and capture the record from the monitor. This enhances court reporter accuracy and decreases reporter fatigue caused by not being able to see the person speaking.

Placing the reporter's workstation close to the bench also makes it possible for the reporter to communicate more efficiently with the Court.

Real Time Transcription:

Real Time Transcription provides hearing-impaired and deaf members of the community an opportunity to participate in or observe what occurs in a courtroom. Readers may be familiar with closed captioning; Real Time Transcription is similar, although it is verbatim, whereas closed captioning is not. Real Time Transcription makes it possible for all persons with a severe hearing disability to participate in the court process. It can be displayed on any one or all of the monitors in the courtroom. Real Time Transcription is provided without cost to the hearing impaired.

Courtroom Clerk:

The courtroom clerk is stationed immediately to the right of the judge.



Fig. 8 Courtroom clerk's station has e-mail access, MNCIS, access for instant calendaring, and a video monitor.

The clerk has the only computer which is connected to the state judicial network, giving the clerk access to normal computer usage, such as e-mail, as well as MNCIS. Through the MNCIS system, the clerk can update the judge on various records. The clerk can also access the court calendar by computer so new court dates can be assigned during the hearing. The clerk and judge can then communicate through e-mail through their respective computers, which eliminates interruptions.

A standard telephone is also located at the courtroom clerk's station. Phone calls to the courtroom are intercepted by the clerk at this phone. The clerk can then transfer a call to the judge's control panel. Calls are connected to the courtroom sound system by the judge through the control panel. An individual can appear at a hearing through a telephone call and everyone in the courtroom can hear the caller and the caller can hear the proceedings in the courtroom via the sound system.

A duplicate touch control panel is located in the courtroom clerk's station. When this monitor is enabled by the judge, the clerk can control all parts of the courtroom system. This is particularly helpful when a judge not trained in the system is holding court. All court administration personnel have been trained and can provide assistance to visiting judges or can be directed to operate their control panel at the visiting judge's discretion. The clerks also use this control to play videotapes of the judge explaining legal rights for defendants before arraignments.

The judge may, however, override the clerk's control at any time by simply touching the judge's control panel.

Law Clerk:

The judge's law clerk is seated to the right of the court clerk. This seating arrangement permits the courtroom clerk and the law clerk to share a system monitor to view video displays.



Figure 9: Law clerk station showing system monitor shared with courtroom clerk and the law clerk's computer screen.

The law clerk also has a computer at his/her station which is connected to the county computer network. The law clerk thus has access to case law and

statutes through the Internet and through Westlaw. Word processing software also permits the taking of notes in contested matters as they occur in the courtroom. The judge and the law clerk can also communicate through e-mail during court hearings.

During jury trials the law clerk is instrumental in the preparation of jury instructions and verdict forms. The law clerk can revise proposed instructions as the judge and attorneys follow on their monitors and the judge and the attorneys can approve the revised copy as it is prepared. It is no longer necessary to print out a set that incorporates both sets of requested instructions, distribute it to the attorneys, recess so they can review it, go over it again, write in the changes, give it back to the law clerk for retyping, recopying, and redistribution and going back on the record once again for approval. The same is method is used for verdict forms, especially special verdict forms.

Witness Stand:



Fig. 10: View of counsel tables from the witness box. Note the direct line of sight between counsel tables and the witness stand.

The witness stand has an annotation monitor, which is moveable to permit a witness to turn the monitor aside so it does not block any view of the attorneys when the monitor is not in use. The monitor is also positioned so an exhibit

shown to the witness cannot be seen by the jury prior to the exhibit's admission. The monitor enhances testimony by the witness because the witness can provide visual annotations on the exhibit. The annotation monitor is discussed in greater detail in the section on evidence presentation.

Witness stand placement was thoroughly discussed during the courtroom remodeling process. The witness was placed next to the jury box to provide the jury an opportunity not only to hear, but also to see facial expressions and body language of the witness to assist the jury in determining the credibility of the witness. Also, the witness was placed next to the court reporter so that the court reporter could hear the witness and observe the witness's face in order to accurately capture the record. Aural communication is not solely an auditory process but incorporates vision as well. Court reporter fatigue is increased if witness placement causes the witness to turn away from the court reporter while answering questions



Fig. 11: Shows relationship of jury box, court reporter and judge to the witness stand. Note the monitors in the jury box — one monitor shared by two jurors.

Jury Box:

There is one monitor for every two jurors. Frequently, in electronic courtrooms, there are three to four monitors placed in the front row only and jurors in the back row must lean forward to see the monitors in the front row. This is a less than ideal situation, so monitors are provided in each row of jurors, with a monitor placed between every two jurors. This makes it much easier for the jurors to see anything displayed without discomfort. The monitors are placed below the jurors' level of sight into the courtroom so that they do not interfere with the jurors' ability to directly see everything that occurs in the courtroom.



Fig. 12: Jury box, showing the shared monitors. Note that the monitors are low and slightly tilted up.



Fig. 13: Monitor in Jury box. Note that the monitors are protected from damage by jurors by being inset and the construction of a bumper shelf.

Each jury monitor is capable of being tilted side to side as well as up and down to a limited degree, to allow jurors to adjust for their individual viewing. In practice, jurors do not have to be instructed to look at the monitors. When an exhibit is published through the monitor, the jurors automatically look to the monitors to check the display.

There are four recessed button microphones in the front jury rail and three in the rear jury rail. The judge activates these microphones during voir dire. In addition, these microphones are activated during the opening and closing statements of the attorneys.



Fig. 12: One of seven button microphones on jury box rail.

Counsel Tables:

Counsel tables were specially built for this courtroom to accommodate the use of electronics.



Fig. 13: The wiring for the counsel table pop-up connections runs through a hollow table leg to a floor hook-up.

It is possible to transmit Real Time Transcription to both counsel tables. To access this capability, the attorney must have a laptop with a software program such as CaseView II®. To receive Real Time Transcription, arrangements must be made in advance with the court and court reporter.

CaseView II® and similar software permits the attorney to highlight testimony, to make notes in conjunction with specific testimony; to scroll back quickly to review testimony, to search all testimony for specific comments using a key word, and to preserve the testimony on his/her computer hard drive or on a floppy disk for later review.

Attorneys will not be permitted, however, to use Real Time Transcription as evidence, demonstrative or otherwise, during the trial or as a display during the final argument to the jury as a substitute for an official transcript.



Fig. 14: Counsel table showing the proximity of the document camera and also the counsel table monitor. Note the direct line of sight to the witness.

Each counsel table has two microphones. The court can mute the microphones by operating the controls at the bench or by the person sitting in front of the microphone by pressing the mute button. *It is easy to forget that the microphones remain on unless action is taken to mute them. Attorneys should always be cognizant of that fact when having client conferences or commenting on testimony while seated at the counsel table.*

The monitor on each counsel table receives all video placed on the system. In addition, the Court has found it helpful on occasion to send housekeeping, off-the-record messages to the attorneys on their monitors when the monitors are not otherwise being used. Both attorney monitors are wired in parallel, so whatever is displayed on one attorney's monitor is displayed on both monitors, including messages to the attorneys.



Fig 15: Pop-up connections on counsel table provide access to electricity, high speed Internet and telephone connections and computer input into the courtroom system.

Through computer connections at counsel table, attorneys can utilize laptop computers in the courtroom for PowerPoint presentations, Westlaw research, litigation support, etc. Minnesota Statutes and Rules can also be accessed through the Internet at <http://www.leg.state.mn.us/leg/statutes.asp>.

The computer connections also allow e-mail access to attorneys through the Internet to their offsite support staff.

In addition, attorneys can input from their laptop into the system with court permission. Some attorneys have used Power Point presentations in opening and closing arguments. Attorneys can also input, with the permission of the judge, an audiotape into the system from their table. Attorneys are encouraged, however, to duplicate that evidence into a digital format on a CD for presentation.

When using PowerPoint for a presentation, use it only for main points. A jury reading a long missive on the PowerPoint Screen may miss an important verbal explanation or argument by counsel. Be sure to have the judge turn the monitors off when the display is no longer needed.

Public Sector

Rows of comfortable chairs, joined together for security reasons, are provided for the public in contrast to the hard wooden benches found in many courtrooms. There is seating for 54 persons in the public seating section, including two handicap accessible spaces.



Fig. 15: One of two 42-inch plasma screens located overhead in the audience seating area. Here the audience is viewing a scene depicted on the witness annotation monitor, which has been marked by the witness. The Judge will save that marked image as a court exhibit. *Counsel must be careful not to remove the image from the document camera until the Judge has saved it.*

Two 42-inch plasma monitors are ceiling mounted in this section. The public may view all exhibits (if approved by the judge) that the participants in the trial are viewing. One monitor is mounted on each side of the central aisle to permit comfortable viewing by the public.

There is a button microphone inset into the rail separating the public section from the well. This microphone is activated by the judge whenever an audience member is permitted to speak to the court (i.e., victims during criminal sentencing, probation officers, etc.) on the record.

Media/Conference Room



Fig. 16: Monitor inside the conference/media room. Please note that the computer and copier shown here are temporarily located in this room due to remodeling of the law library and are not permanent components.

There are three conference rooms located immediately adjacent to the main courtroom. All have Internet access for attorneys.

The largest conference room has been designated as the media room. This room has a large window facing into the courtroom, and it contains a monitor, telephone access, and Internet access. Courtroom proceedings can be viewed through the window or through a monitor and heard through an audio feed. This room can be used to segregate disruptive defendants while proceeding with their trials. It can also be used by victims, which permits distance from their alleged perpetrators while providing them with the ability to view and hear the trial.

The judge may provide video from the courtroom and audio to this room. Sole control is in the hands of the judge. This is necessary because a confidential hearing may be taking place in the courtroom which should not be made available to possible public viewing or hearing in the media room. No

provision has been made for recording from this room and there is no two-way communication.

The room is fitted with blinds from both the courtroom side as well as inside the room. The inside blinds can be drawn when the occupants desire privacy. The courtroom side has blinds to protect people in the courtroom from being observed from the media room during confidential hearings.



Fig.17: View of conference room window from courtroom with the blinds drawn for privacy.



Fig. 18: View from inside the conference room into the courtroom.

The window to this room is double-paned security glass, and includes embedded wire for additional security. The window was designed with a large air space between the panes to eliminate sound conduction between the two rooms.

This conference room can easily seat six people at counsel table, permitting victims, advocates, and/or law enforcement to accompany people using the room.

EVIDENCE PRESENTATION

Evidence Cart:

The evidence cart is stationary and located between the counsel tables. It contains a VCR and a CD-DVD player inside its cabinet.



Fig 19. The evidence cart is located between counsel tables and the VCR, CD-DVD and remote control are inside.

Both components are controlled by the judge who may activate them upon request by an attorney. These components are also used by court administration to play videos of legal rights advisories for criminal defendants prior to arraignment, as well as for juvenile matters. These videos are displayed on the two 42-inch plasma monitors mounted in the public section of the courtroom.

The document camera is located on the top of the evidence cart. The location of the evidence cart permits each attorney to utilize the document camera while seated at counsel table, minimizing loss of time and permitting attorneys to remain seated while questioning witnesses.

Please note that only one video source (other than for ITV) may be displayed at one time. Counsel must inform the judge when desiring to utilize a different source.

Document Camera:

The document camera (frequently referred to as **ELMO®**) is the component of the electronic courtroom most often used by attorneys. It is a flat screen video camera located on the evidence cart. Documents, transparencies, x-rays, photographs and tangible objects up to 8 1/2 by 11 inches can be shown to witnesses and the jury by simply removing the lens cap and asking the Court to publish. The Court can zoom in on portions of an exhibit if requested, as can the attorneys.



Fig. 20 - document camera (ELMO) located between counsel tables

A full 8 ½ by 11 inch page of printed material may be displayed from the document camera. However, if the full page is displayed, the print may be so small that it is difficult to read for some persons. The court, or counsel, may zoom in on the exhibit to make it more readable, but it may not be possible to capture all pertinent parts of the exhibit in one field of view. *Counsel may wish to prepare a second exhibit, for demonstrative purposes, reproducing only the exact language wished to be displayed. This eliminates moving the exhibit around on the document camera.*

Whenever an attorney wishes to use the document camera, the attorney should simply inform the court that he or she wishes to display the exhibit. The Court will then turn on the document camera. *The bottom of the photograph or exhibit should be placed toward the attorney or toward the back of the courtroom.*

The attorney may use the controls on the document camera to **zoom** in and/or zoom out on the exhibit, so that the portion of the exhibit which the attorney wishes displayed fills the entire monitor screen. Attorneys must look at the monitors placed on their own counsel tables in order to see the same picture that others will be viewing on the system. A mouse, similar to a regular computer mouse, is also available with the document camera, which can be used to point towards something specific on the exhibit the attorney is asking the witness to identify. This does not leave a permanent mark on the exhibit. *Care should, of course, be used to avoid leading the witness with the use of that mouse pointer.*

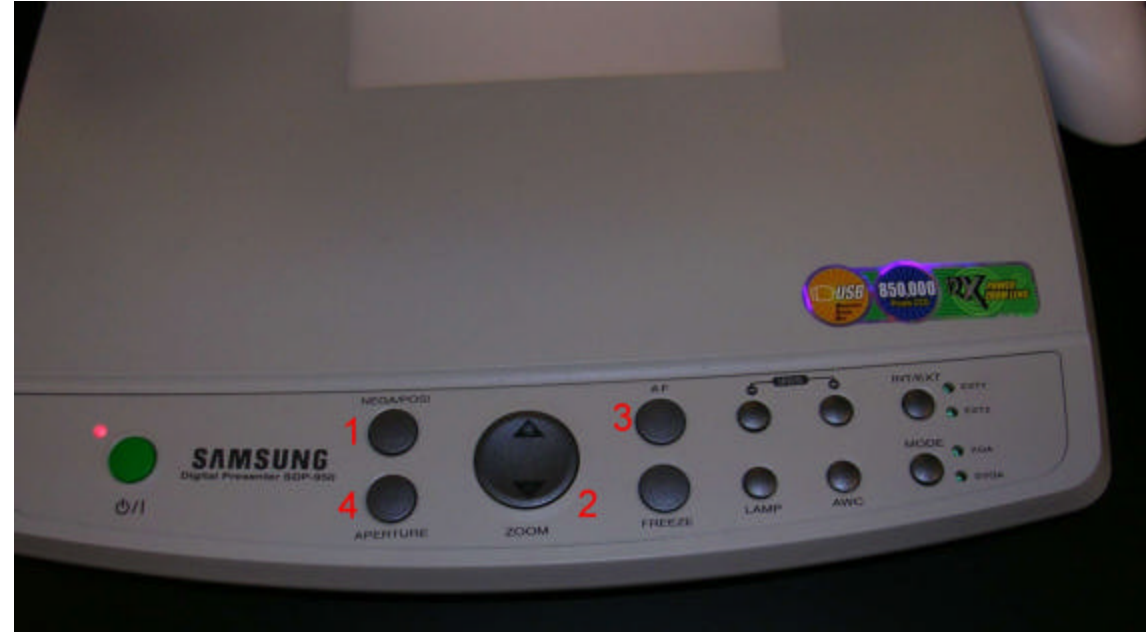


Fig. 21: Controls available for counsel to operate the document camera.

1. **NEGI-POSI**: Use this to turn the image positive to a negative.
2. **ZOOM**: Use this to control the size of an object projected on the screen.
3. **AF**: Use for a fast automatic focus of the image.
4. **APERATURE**: Use this to control the sharpness of the output image.

There is also an additional control available to counsel on the document camera called the **aperture** that permits better imaging for either written documents or pictures. It is unnecessary, however, to use this control unless a definite need becomes apparent. Normally the document camera will display both types of exhibits with sufficient clarity. The document camera is also self-focusing, so the **AF** control rarely needs to be used.

X-ray films, negatives, and slides can also be shown using the document camera by use of the *nega-posi* feature that backlights the slide, negative, or x-ray film.

No other controls, including the off and on buttons, should be used by the attorney, except at the express direction of the judge.

Exhibits which attorneys plan to use should be kept at counsel table and then returned to the clerk during a recess. This saves time by making exhibits readily available for all attorneys who may wish to question a witness based upon those exhibits.

Exhibits must be premarked if planned to be displayed electronically. Please have the court reporter assign a bank of exhibit numbers prior to trial. The court should be furnished an exhibit list with those numbers. This procedure will permit the attorney to display the exhibit electronically to the judge and opposing counsel and the witness, and after the exhibit is received, to the jury without leaving counsel table.

When premarked exhibits are placed on the document camera, the attorney must state the exhibit number for the record. If not yet admitted, the judge will display the exhibit only to court personnel, the witness and the attorneys. This permits opposing counsel to immediately view the exhibit so that counsel may be prepared to either object or not object to the exhibit as soon as it is offered. Upon receipt, the introducing attorney may simply request the court to publish the exhibit to the jury. The exhibit may also be shown to the public if, in the Court's opinion, the public should be permitted to see it. Inappropriate, inflammatory or graphic images that would cause revictimization will not be displayed to the public. When the exhibit no longer needs to be displayed, ask the court to shut the monitors off.

Remember that jurors may continue to look at an exhibit on their monitor after it is no longer needed for the witness's testimony. Requesting the judge to shut off the jury's monitors will encourage jurors to concentrate on new testimony of the witness. If no request has been made, the judge may turn the monitors off if, in the judge's opinion it is apparent that the exhibit is no longer being used.

If the document being displayed has already been admitted into evidence, ask the court to publish it immediately to the jury. After the judge has verified its admission, it will be published to all.

VCR and CD-DVD:

These machines are used the same as those with which we are familiar in our own homes. Attorneys may, with the permission of the judge, use them for the presentation of evidence that has been admitted. On occasion it may be

appropriate to pause a video for the purpose of calling the attention of the trier of fact to a certain scene, etc. The witness can then describe what is seen in a still picture and even annotate it on the witness monitor.



Fig.21: This VCR, CD-DVD equipment is located behind the smoked glass door of the evidence cart.

Annotation Monitor

The annotation monitor is located in front of the witness.

Any video input into the system can be displayed on the monitor. This includes exhibits that are placed on the document camera, as well as the VCR or CD-DVD. For example, if a VHS tape is being played, and the tape is paused, markings can be made by the witness to that paused tape.



Fig. 22: Another use of the witness's annotation monitor, drawing on a still captured from a videotape.

Witnesses can make markings on exhibits by placing the ball (not the tip) of a finger on the witness monitor. The screen is heat sensitive, not pressure sensitive. A touch will produce an arrow or a dot or similar cursor. Generally if a finger is left on the monitor for a second without moving it, a small dot appears. A quick touch will generally result in an arrow, which points toward the upper left of the monitor. Simply ask the witness to use the ball of his or her finger and mark, for example, the point of impact. The judge enables these markings through the control panel on the bench. *If more than one mark will be made on the exhibit, give the court time to electronically change colors.* The judge will specify on the record which color is used and the shape of the annotated marking. The judge will also specify the label for the new exhibit -- usually as an alphabetical suffix to the numerical exhibit. (Example: If a marking has been made on Exhibit 66, the resulting exhibit will be saved as Ex. 66A. If a second marking is made on Ex. 66 later in the trial, that resulting exhibit will be 66B.)

Anything which is annotated by the witness may be saved by the judge as a specified exhibit and shall be considered a demonstrative exhibit. It will not be printed and given to the jury unless stipulated to by the parties and approved by the Court. These exhibits will be preserved by the Court for appellate purposes in either a .jpg or .bmp format on a CD-ROM or printed out when a color printer is available. All electronic markings made on the exhibit will accordingly be

preserved. *The attorney must allow the judge sufficient time to electronically capture the exhibit and recite into the record the new court exhibit number.*

The colors available are pink, blue, green, yellow, red, white, and black.

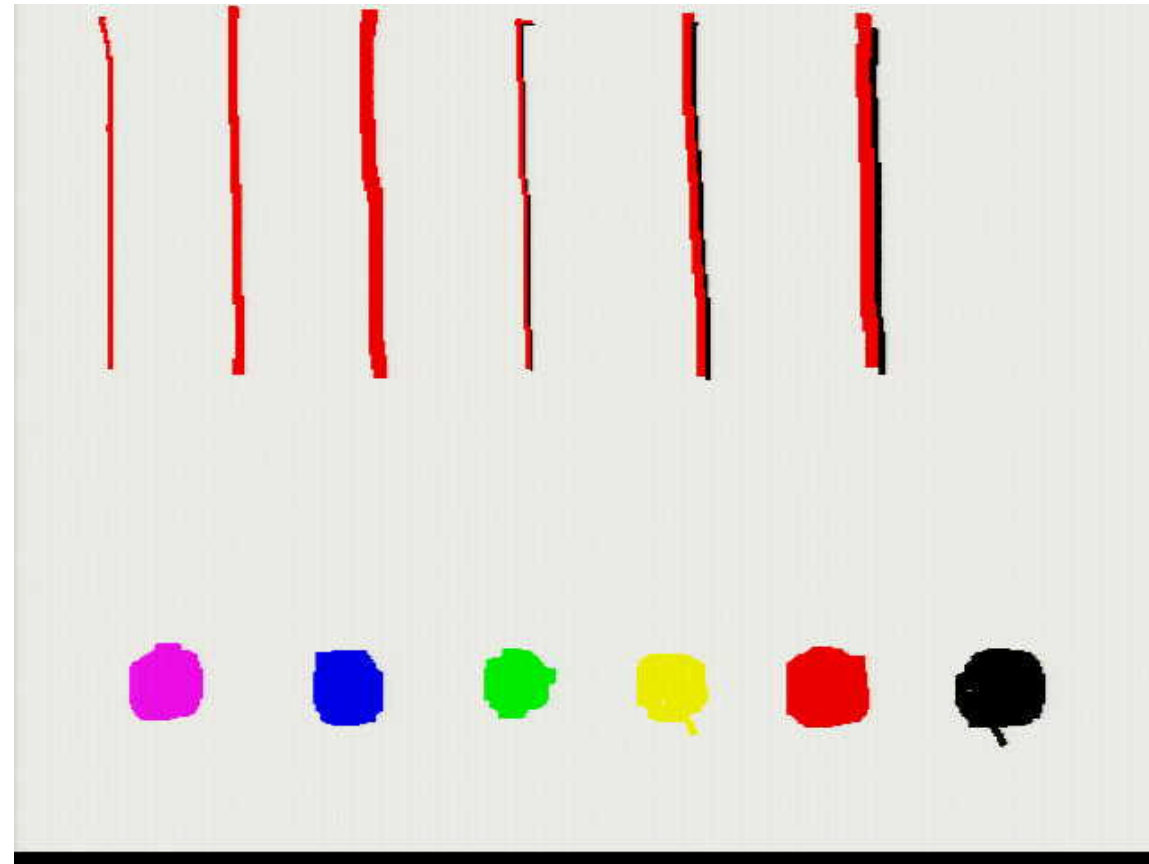


Fig. 23: Colors and types of lines available on the annotation monitor.

The line types available are thin, medium, heavy, a thin shadow line, a medium shadow line, and a heavy shadow line.

A witness can also use the annotation monitor as a chalkboard, permitting freehand drawing.

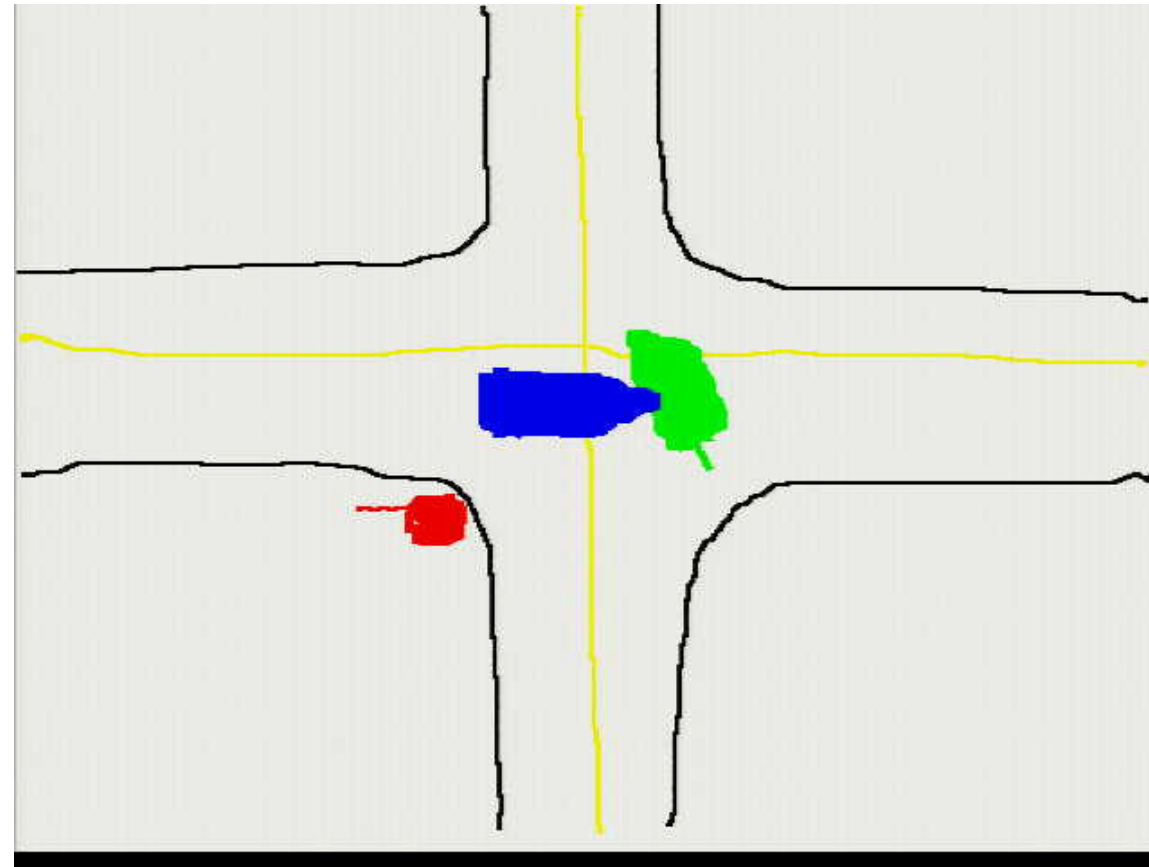


Fig. 24: An example of the use of the annotation monitor by the witness as a chalkboard instead of using an easel in front of the jury or the Court.

This eliminates the need for a paper pad or other chalkboard equivalent. The witness may request different colors and different types of lines from the judge as needed. The drawing can be transmitted to all monitors, the same as all video sources.

INTERACTIVE TV

Traditionally, ITV has been used in the form of two semi-mobile large screen TVs with a single TV camera located on or near one of the TV screens. Sound is introduced into the system from a microphone that is connected/wired to the equipment. This traditional system certainly works, but has a few limitations.

One shortcoming is that the mobile system requires movement of the microphone from speaker to speaker so an adequate volume of sound is transmitted to the receiving station. In addition, viewing of the visual signal is limited to those persons who can be seated or placed in an area where direct viewing of the screen is possible. The use of a single stationary camera limits placement of those persons who should be visualized during transmission.

Fillmore County has gone one step further and eliminated these weaknesses with the introduction of a sophisticated interactive TV system.



Fig. 25: View of one overhead camera for ITV. Compare its minimal intrusiveness with the large TV screens usually seen in courtrooms for ITV use. The lower part of the picture is a handy shelf in front of the Court and the court reporter for exhibits.

The ITV system in Fillmore County receives its sound from any or all of the 17 microphones located in the courtroom. Sound is imparted to the courtroom's electronic system and amplified by that system for transmission to the receiving ITV system. The receiving station has no difficulty in hearing the judge, attorney, or witness.



Fig. 28: Video Camera #2, as seen from the judge's bench

The Fillmore County ITV system uses two video cameras placed directly opposite of each other at opposite ends of the well, both of which are under the direct control of the judge. The two cameras, facing 180 degrees to each other, permit the judge to fully visualize whoever is speaking by switching cameras with one touch of the control panel. Each camera may be zoomed and turned by the judge at will. However each camera also includes five adjustable preset positions and zoom focuses, which have been set by the judge to those positions and focuses most often used, permitting one-touch switching.

A judge in Fillmore County can also control the TV camera in the remote terminal site, thus permitting the judge to switch between the persons speaking or to zoom in on a person so that facial expressions can readily be seen or to see an exhibit. Some personnel at the receiving end of the ITV transmission have found Fillmore's control of their video camera disconcerting, so advance explanation should be given by the judge to those personnel of this ITV capability.

Finally, this ITV system permits connecting two other terminal sites at the same time. Both other sites will be displayed at the same time on each monitor.

However, if a person speaks for approximately 10 seconds, the system will automatically display that person full screen. As soon as a person speaks from the second remote site, the split screen is instantaneously reinstated with both sites displayed.

ITV is also broadcast over all individual monitors to the jury, judge, court reporter, court administration personnel, attorneys, and to the audience.



Fig.27-Monitors in front of the jurors. The jurors can not only see video and objects projected through the document camera, but also any other video source, including Interactive Television

ITV has been particularly helpful to criminal defendants and other litigants in counties with only one judge. When a person is in detention in a county where a judge is not physically present, the person may wait several days to see a judge (from Friday until the following Monday, for example). With ITV available, the person can be seen by a judge and conditions of release set within a few hours, at most.

The judicial system also benefits. Judicial coverage can be handled more efficiently without the major disruption in scheduling that judge travel causes.

Judges in one-judge counties in the Third Judicial District have used ITV for arraignments and emergency hearings when a judge is not physically present

in the county of venue. Fillmore County averages approximately 10 ITV hearings a month.

ITV could also permit judges to hear matters for other judges who are presiding over lengthy litigation without major disruption in their own schedules. This would permit the judge hearing a longer case to concentrate on that case without scheduling part of the week or day to hear routine matters that are time sensitive.



Fig. 28: View of overhead monitor and counsel monitor. Fillmore has successfully conducted contested hearings, at the request of all parties, with the Court and witnesses in Fillmore County and counsel and the remaining witnesses in Houston County. The witnesses were able to follow the proceedings through the overhead plasma screens. True public participation is possible in this courtroom during use of ITV.

The Third Judicial District is developing proposed criminal and civil protocols on ITV use. These have not yet been approved either by the Judges of the District or the Supreme Court.

Currently, digital transfer of Orders for Protection and other restraining orders is being explored.

Witnesses and attorneys can enjoy the benefits of a hearing in Fillmore County without traveling to Preston if they schedule the use of ITV with the

Fillmore County District Court and an originating ITV station, such as the Mayo Clinic or another county courthouse which has the capability.

Parties wishing to use ITV at trial should address the issue with the Court and opposing counsel at the pretrial conference, so its parameters can be explored. ITV is available for other hearings upon approval by the Court.

CONCLUSION:

Attorneys can present their cases smoothly and retrieve exhibits for cross-examination easily by using the electronic presentation systems. The trier of fact can also perceive what the attorney is trying to show them clearly and with better retention. Follow-up juror questionnaires have shown that the use of the courtroom's electronic system is helpful to their understanding and retention of the facts. The time necessary for a trial can be reduced from 15 to 25 percent, depending on the number of exhibits introduced.

Proper use of the equipment does provide an attorney a distinct advantage over opposing counsel if the opposing counsel does not know how to effectively use the electronic equipment to enhance evidence presentation. Although the electronic evidence system is easy to use, it is unreasonable to expect any attorney to make a successful presentation without adequate preparation. Witnesses, as well as attorneys, should be familiar with how to use the system, particularly the annotation monitor.

Good trial technique does require familiarization with the courtroom, but such familiarization will be of little avail if the attorney has not properly prepared her/his case.

This guide is not intended to be all encompassing. In order to keep it to a reasonable length, only some of the highlights most commonly used have been discussed. Further information is available upon request from court staff and the judge.

The Fillmore County Law Library provides, without charge, public access to Westlaw in the Law Library on the lower level of the courthouse. One simply clicks on a desktop icon, clicks on "yes" or "I accept" to the user agreement and warnings and the Westlaw screen appears. No passwords are required; no fee is charged.

